

Serial No. 10/782,834
Amdt filed Sept. 6, 2005
In response to OA dated April 5, 2005

REMARKS

Claims 4-10 are presently in the application. Claims 1-3 and 11-20 have been canceled.

Claim 4 has been rewritten in independent form including all of the limitations of base claim 1 and intervening claim 3.

Claim 4 and dependent claims 5-10 have been rejected under 35 U.S.C. 103(a) as unpatentable over Bacon in view of Ingram.

Claim 4 is directed to a device for supplying fuel from a tank to an internal combustion engine, including a fuel-supply pump (3) having an outlet fitting (21) and being fastened by means of a mount (27), the improvement wherein the mount (27) is embodied as a rigid conduit having a first fuel supply line section (8.1) connected to the outlet fitting (21) of the fuel-supply pump (3), wherein the mount (27) comprises a mount fitting (28) with a mount conduit (25) that feeds with a connection opening (31) into the first fuel supply line section (8.1), and wherein the outlet fitting (21) of the fuel-supply pump (3) is inserted into the mount conduit (25) and extends through a mounting element (41) provided in the connection opening (31).

Claim 4 specifically requires:

(a) a mount comprising (b) a mount fitting with (c) a mount conduit that feeds with (d) a connection opening into the first fuel supply line section, and
(e) wherein the outlet fitting of the fuel-supply pump is inserted into the mount conduit and
(f) extends through a mounting element (g) provided in the connection opening.

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Bacon shows a device for supplying fuel from a tank to an internal combustion engine (col. 2, lines 50-53), including a fuel-supply pump (20) having an outlet fitting (29) inserted into a “mount” (30). The “mount” (30) is embodied as a rigid conduit having a first fuel supply line section (36) connected to the outlet fitting (29) of the fuel-supply pump (20). The mount (30) comprises a mount fitting (50) with a mount conduit (the interior of fitting 50) that feeds with a connection opening (the opening surrounded by shelf 57 - see Fig. 6) into the first fuel supply line section (36). Bacon also shows a mounting element (54) provided in the mount conduit (the interior of fitting 50). However, claim 4 requires that the mounting element be provided in the connection opening, not in the mount conduit.

In the final rejection, the examiner fails to explain how the claim is being read on Bacon. However, the examiner does state that the “mounting area (54)” is both a flat disc and a curved-shaped part. Since these features are recited as features of the claimed mounting element, it is clear that the claimed mounting element is being read by the examiner on the seal (54) (see, col. 3, l. 39). That being the case, the claimed “connection opening,” according to the examiner’s interpretation, must be the “cylindrical seal housing (50)” (see, col. 3, ll. 41, 42), because the claim requires that the mounting element be provided in the connection opening. The examiner’s attention is directed to the fact that claim 4 also requires that the outlet fitting of the fuel-supply pump is inserted into the mount conduit. The mount conduit and the connection opening are separately recited elements. The examiner cannot read both the mount conduit and the connection

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opening on the “cylindrical seal housing (50).” The seal cap 59 has an opening or bore 72, but there is no “conduit” in the seal cap 59.¹

To support a rejection of a claim under 35 U.S.C. 102(b), it must be shown that each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984). Bacon does not teach a device for supplying fuel from a tank to an internal combustion engine of the type recited in claim 4 which includes a fuel-supply pump fastened by means of a mount, wherein the mount is embodied as a rigid conduit having a first fuel supply line section connected to the outlet fitting of the fuel-supply pump, the mount comprising a mount fitting with a mount conduit that feeds with a connection opening into the first fuel supply line section, and wherein the outlet fitting of the fuel-supply pump is inserted into the mount conduit and extends through a mounting element provided in the connection opening. Accordingly, claim 4 is not anticipated by Bacon.

The examiner cites Ingram for a teaching of “a fuel pump connection which shows an outlet pipe with recesses that mate with an elastic member.” Final rejection, p. 2. However, it is clear that Ingram does not solve the basic deficiency in the Bacon patent cited above. Thus, even if one would have modified Bacon as suggested by the examiner, one would not have arrived at the claimed invention.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA

¹ The term “conduit” is ordinarily defined as “a pipe, tube or the like, for conveying water or other fluid.” The American College Dictionary, page 252 (New York, Random House, 1970).

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1974). Neither Bacon nor Ingram teaches or suggests a device for supplying fuel from a tank to an internal combustion engine of the type recited in claim 4 which includes a fuel-supply pump fastened by means of a mount, wherein the mount is embodied as a rigid conduit having a first fuel supply line section connected to the outlet fitting of the fuel-supply pump, the mount comprising a mount fitting with a mount conduit that feeds with a connection opening into the first fuel supply line section, and wherein the outlet fitting of the fuel-supply pump is inserted into the mount conduit and extends through a mounting element provided in the connection opening. Accordingly, claim 4 is not rendered obvious by the combined teachings of Bacon and Ingram.

No new search is required by this amendment, since the present amendment presents a previously presented dependent claim in independent form. The amendment reduces the issues for appeal by canceling claims 1-3 and 11-20. No new issues are raised by this amendment and no new search is required as a result of its entry. Accordingly, entry of the amendment is appropriate.

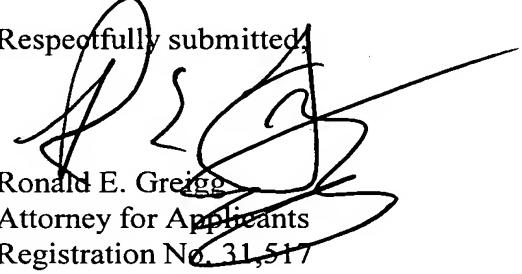
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The Commissioner is authorized to charge any or all fees associated with this communication to Dep. Account No. 07-2100.

A Petition for Two Month Extension of Time is also attached hereto.

Entry of the amendment and allowance of the claims are respectfully requested.

Respectfully submitted,


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